

feet of water. A stream of eight second feet will flow during the month of October approximately 491.78 acre feet of water, which undoubtedly is ample to give these lands one irrigation. The court does not wish to substitute its judgment for that of the witnesses by holding that neither of the parties to this controversy can use water for a beneficial purpose in the irrigation of lands during the month of November, and therefore holds that the defendants have put to a beneficial use eight second feet of water during the month of November and that such amount can be beneficially used by the defendants on the non-scheduled grass lands during the month of November. Doubtless the scheduled grass lands can be properly irrigated by the waters released from service on the farm lands during the month of October and they need not be considered as needing any irrigation in the month of November. In coming to the conclusion as to the November water there is no question but that it can be used to a much better advantage upon the lands of the defendants than it could be upon the lands ~~off~~ proposed by the plaintiff, and there is still left available for the plaintiff during the month of November 7.75 second feet should he desire to use the same.

Upon the question of the water available from Current Creek for the irrigation of the Goshen and other lands in that vicinity there is little or no evidence that there is any permanent supply except that which has been used by the defendants. There is some evidence that there might be some water in the early season available from Kimball Creek, but upon the question of when the run off occurs, the amount if any that reaches the Goshen Reservoir, whether or not the same is claimed by others, ^{there is no definite or reliable} the evidence, and for the court to make a finding upon this matter would be speculation, and the defendants are making no claim to such waters if there be any available.

The only other source from which there is any likelihood of being any perceptible increase is in the East channel of Job creek. When the project was first visited ^{the} was considerable water running